IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 810 OF 2007

Ravindra Vilayatrai Lulla .... Petitioner

versus

Prerna Ravindra Lulla ..... Respondent.

Shri Rajiv Patil & Omkar Warange for the petitioner
Shri V.N.Tayade for the respondent.

CORAM; A.P. DESHPANDE, J.
DATED; 13TH SEPTEMBER, 2007

P.C. ;

1. The petition is filed by the husband calling in question the legality of an order passed by the Family Court granting interim maintenance to the respondent wife in the sum of Rs.15,000/- per month. Perused the order. Taking into consideration the educational qualification of the petitioner, business carried on by the family of the petiitoner which is in the nature of dealership for Kirloskar products, the location of the business, the status of the parties prior to the separation and after taking into onsideration all other relevant circumsances, the Family Court has reached a finding that the plea set up by the petitioner that he is a salaried employee, earning Rs.5000/- is a false plea, hence proceeded to pass an

order having regard to the status of the parties.

2. Perused the order. The same does not call for any interference, more so in exercise of writ jurisdiction. The writ petition is accordingly dismissed.

3. The respondent has filed the petition for nullity of marriage on the ground of impoetency of the husband. The learned counsel for the respondent has informed that affidavit of examination in chief of the respondent has been filed in the Family Court. So, what remains is cross examination of the respondent by the petitioners and leading of evidence. Both the learned advocates submit that the petition for nullity of marriage itself can be disposed of within a period of two months from today as the stage of trial has already reached. Having regard to the controversy, I deem it appropriate to direct the Family Court to decide the marriage petition as expeditiously as possible. I hope and trust that the marriage petition will be disposed of by the end of January 2008. All issues are kept open to be addressed before the Family Court.

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